Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Chile*

1. The Committee considered the seventh periodic report of Chile (CEDAW/C/CHL/7) at its 1574th and 1575th meetings (see CEDAW/C/SR.1574 and CEDAW/C/SR.1575), held on 21 February 2018. The Committee's list of issues and questions is contained in CEDAW/C/CHL/Q/7 and the responses of Chile are contained in CEDAW/C/CHL/Q/7/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report. It also appreciates the State party's follow-up report (CEDAW/C/CHL/CO/5-6/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It further appreciates the information provided electronically following the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Women and Gender Equity, Claudia Pascual Grau, accompanied by the Minister and Secretary-General of Government, Paula Verónica Narváez Ojeda, the Minister for Labour and Social Security, Alejandra Krauss, the Undersecretary for Human Rights, Julia Lorena Fries Monleón, and the Supreme Court judge Andrea Muñoz Sánchez. The delegation included representatives of the Permanent Mission of Chile to the United Nations Office and other international organizations in Geneva, including the Ambassador and Permanent Representative, Marta Maurás, and the Ambassador and Deputy Permanent Representative, Carla Serazzi Chang, and representatives of the Ministry of Education, the Ministry of Foreign Affairs, the Office of the Minister and Secretary-General of Government, the Ministry of Health, the Ministry of the Interior and Public Safety, the Ministry of Justice and Human Rights, the Ministry of Labour and Social Security, the Ministry of Social Development, the Office of the Public Prosecutor and the Technical Secretariat for Gender Equity and Non-Discrimination in the Supreme Court. The Committee appreciates the constructive dialogue that took place between the delegation and the Committee.

* Adopted by the Committee at its sixty-ninth session (19 February–9 March 2018).

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7. The Committee commends the State party on its significant efforts in advancing women's rights in the past four years and notes that many of the laws and policies adopted during that period provide a sound basis for further empowering women towards achieving gender equality and eliminating discrimination against women, in line with the Convention.

Sustainable Development Goals

8. The Committee notes with satisfaction the commitment of the State party to implementing the Sustainable Development Goals, including through the creation of a national council for the implementation of the 2030 Agenda for Sustainable Development. The Committee recalls the importance of target 5.1 of the Goals, to end all forms of discrimination against all women and girls everywhere, and commends the State party on its positive efforts to implement sustainable development policies.

C. Parliament

9. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.**

D. Principal areas of concern and recommendations

Implementation of the Convention, the Optional Protocol thereto and the Committee's general recommendations

10. The Committee welcomes the numerous efforts made by the State party to disseminate the Convention. Nevertheless, it is concerned that, despite the acceptance by the State party of recommendations made during the universal periodic review process in 2014 that it should ratify the Optional Protocol to the Convention, the draft law (bill No. 2667-10) to that effect has been pending before the Senate Committee on Foreign Affairs since 2001.

11. **The Committee reiterates its previous concluding observations (CEDAW/C/CHL/CO/5-6, para. 52) and recommends that the State party take steps to expedite the ratification of the Optional Protocol to the Convention as a matter of priority in order to facilitate the full enjoyment of the rights guaranteed under the Convention.**

Legislative framework and definition of discrimination against women

12. The Committee commends the State party on its adoption of key legislation aimed at promoting substantive equality between women and men. It notes with concern, however, that:

(a) Act No. 20.609 (2012) on discrimination continues to be limited in scope and fails to include a comprehensive definition of discrimination against women;

(b) The lack of implementation of Act No. 20.609 and the absence of a judicial mechanism to adjudicate cases of discrimination against women have resulted in low prosecution rates (between 2012 and 2016 only 3 per cent of cases tried under the Act were related to discrimination);

(c) The draft law (bill No. 8924-07) on gender identity, with amendments, remains pending;

(d) Insufficient legal protection has resulted in an increase in the number of cases of discrimination against lesbian, bisexual and transgender women and intersex persons.

13. **In accordance with the State party's obligations under the Convention and in line with target 5.1 of the Sustainable Development Goals, the Committee reiterates its previous concluding observations (CEDAW/C/CHL/CO/5-6, para. 11) and recommends that the State party:**

(a) **Adopt, as a matter of priority, a comprehensive legal definition of all forms of discrimination against women, covering direct, indirect and intersecting forms of discrimination in the public and private spheres, and establish, in its Constitution or other legislation, the principle of formal and substantive equality between women and men, in accordance with article 2 (a) of the Convention;**

(b) **Establish a judicial complaint mechanism to deal specifically with cases of discrimination against women and ensure that adequate human, financial and technical resources are allocated for its implementation, including the provision of training for the judiciary on the adjudication of such cases;**

(c) **Adopt the draft law on gender identity with the proposed amendments;**

(d) **Provide in-depth training for the judiciary and other State authorities to address the discrimination and violations of rights experienced by lesbian, bisexual and transgender women and intersex persons.**

Access to justice

14. The Committee welcomes the establishment of the Technical Secretariat for Gender Equity and Non-Discrimination in the Supreme Court, along with the policies aimed at promoting access to justice for disadvantaged women. It is concerned, however, about the institutional, procedural and practical barriers faced by women in gaining access to justice, such as:

(a) Discriminatory stereotypes, judicial bias and limited knowledge of women's rights among the judiciary, legal practitioners and law enforcement officers, including the police;

(b) Multiple barriers, including financial, linguistic and geographic, facing women with low incomes, rural women, indigenous women and women with disabilities in obtaining access to justice;

(c) Reports of threats against indigenous women by law enforcement officers and representatives of the judiciary and cases of reprisals in response to attempts by such women to collectively claim access to their lands;

(d) Discriminatory barriers faced by lesbian, bisexual and transgender women and intersex persons when accessing the justice system;

(e) The limited access that women have to information about their rights under the Convention and the legal remedies available to women who are victims of gender-based violence, and the low rates of prosecution and conviction.

15. **In accordance with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Further extend systematic and mandatory capacity-building on women's rights, gender-sensitive investigations, the encouragement of reporting**

and the avoidance of revictimization for magistrates, judges, prosecutors, public defenders, lawyers, law enforcement officers, administrators, mediators and expert practitioners;

(b) Ensure that information on legal remedies is available to women who are victims of gender-based violence, including in indigenous languages and in formats accessible to women with disabilities, and introduce a system of mobile courts and free legal aid to facilitate access to justice for women living in rural and remote areas;

(c) Introduce systematic training for the judiciary and law enforcement officers on the rights of indigenous women and guarantee the right of the latter to obtain access to justice without fear of reprisal;

(d) Establish processes to eliminate discriminatory rulings and practices against lesbian, bisexual and transgender women and intersex persons in the justice system;

(e) Ensure that victims of discrimination and gender-based violence have access to timely and effective remedies, including restitution, compensation or rehabilitation, encourage women to report incidents of gender-based violence, including domestic violence, and ensure that all cases of violence against women are properly investigated and perpetrators duly prosecuted.

National machinery for the advancement of women and gender mainstreaming

16. The Committee welcomes the creation of the Ministry for Women and Gender Equity and the development of the fourth national plan on equality between women and men for the period 2018–2030. The Committee is, however, concerned that the inadequacy of the Ministry's resources and its limited integration and coordination with the National Service for Women and Gender Equality and the Council of Ministers for Gender Equality may hamper the promotion of gender equality strategies. It is further concerned about the limited and sporadic participation by civil society organizations, in particular those representing the most disadvantaged groups of women, in the design and monitoring of public policy on gender equality.

17. **The Committee reiterates its previous concluding observations (CEDAW/C/CHL/CO/5-6, para. 13) and recommends that the State party:**

(a) Reinforce the integrated approach to gender mainstreaming, introduce effective monitoring and accountability mechanisms, including systematic gender-impact assessments of legislation by all ministries, and ensure that evaluation is based on compliance with relevant targets and indicators and makes use of effective data collection;

(b) Ensure the adequate allocation of human, technical and financial resources to the Ministry for Women and Gender Equity, thereby allowing for the full implementation of its fourth national plan on equality between women and men;

(c) Mainstream gender considerations into the national budget process, including with regard to the implementation of the Sustainable Development Goals, with effective monitoring and accountability mechanisms across all sectors and levels of government;

(d) Enhance coordination with the National Congress and civil society and include disadvantaged groups of women in the design and implementation of public policies and programmes, in line with article 2 (1) of Act No. 20.609.

Temporary special measures

18. The Committee welcomes the inclusion of a provision in Act No. 20.820 that allows the Ministry for Women and Gender Equity to propose temporary measures, plans and programmes (art. 4). It also sees as positive the initiative taken by the Faculty of Physics and Science at the University of Chile to introduce a programme for the priority inclusion of gender equity and the resulting increased enrolment of girls. The Committee is, however, concerned about the absence of temporary special measures to accelerate the achievement of substantive equality between women and men in other areas covered by the Convention, such as education and employment and participation in political and public life.

19. **The Committee recalls its previous concluding observations and recommends that the State party consider using temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality in all areas covered by the Convention, in particular in political and public life, where women are underrepresented, and in education and employment, to which migrant and indigenous women have limited access.**

Stereotypes

20. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes in the State party, including the continued efforts to promote equality between mothers and fathers in child-rearing duties. Nevertheless, it remains concerned that persistent discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, along with intersecting forms of discrimination and the deep-rooted machismo culture in the State party, continue to impede progress in advancing gender equality. It further notes with concern that certain groups of women do not enjoy full respect of their rights, owing to insufficient special protective measures.

21. **The Committee reiterates its previous concluding observations (see CEDAW/C/CHL/CO/5-6, para. 17) and recommends that the State party adopt a comprehensive strategy targeting women, men, girls and boys to overcome machismo culture and the discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. It also recommends that such a strategy address intersecting forms of discrimination against women, including women with disabilities, indigenous women, women of African descent, migrant women and lesbian, bisexual and transgender women and intersex persons, as defined in paragraph 18 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.**

Harmful practices

22. The Committee is concerned about:

(a) The lack of clear legislation prohibiting the performance of unnecessary medical procedures on intersex infants and children until they reach an age when they are able to give their free, prior and informed consent;

(b) The lack of support and effective remedies for intersex persons who have undergone medically unnecessary surgical procedures at a very early age, often with irreversible consequences and resulting in long-term physical and psychological suffering.

23. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee of the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:**

(a) **Adopt legislation to explicitly prohibit the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age when they are able to give their free, prior and informed consent, ensure that medical practitioners are informed about such legislation and provide families with intersex children with adequate counselling and support;**

(b) **Ensure that intersex persons who have undergone unnecessary surgical or other medical treatment without their free, prior and informed consent have effective access to justice and consider establishing a State compensation fund for them.**

Gender-based violence against women

24. The Committee welcomes the significant legislative and institutional advances, including the national plan of action on violence against women for the period 2014–2018, made to combat gender-based violence against women and the development of a database to record incidents of violence. Nevertheless, it remains concerned about:

(a) The persistently high rates of gender-based violence, including physical, psychological, sexual and economic violence, against women in the private and public spheres in the State party, and the high levels of intrafamily violence against girls and adolescents;

(b) The lack of progress in adopting the draft law on the right of women to a life free from violence (bill No. 11077-07), which has been before Congress since 2016;

(c) The limited scope of Act No. 20.066 on intrafamily violence to sanction cases of femicide, which requires that the perpetrator must be or have been in a relationship with the victim, and the increasing prevalence of femicide (which rose from 34 cases in 2016 to 43 in 2017) and attempted femicide;

(d) Violence against girls, including cases of sexual exploitation and abuse, in institutions of the National Service for Minors;

(e) The reported use of violence by State agents against lesbian, bisexual and transgender women and the lack of data on prosecutions and convictions in such cases;

(f) Reports of excessive use of force by State agents against Mapuche women in Araucanía, and the lack of data on cases of violence against indigenous women.

25. **The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recommends that the State party:**

(a) **Enhance efforts to combat all forms of gender-based violence against women, develop a comprehensive strategy to prevent violence against children, in particular in the home, and provide psychosocial support to victims;**

(b) **Expedite the adoption of the draft law on the right of women to a life free from violence (bill No. 11077-07) and ensure that the intersecting nature of violence and discrimination is recognized under the law, in particular with regard to migrant women, indigenous women, women with disabilities and lesbian, bisexual and transgender women and intersex persons;**

(c) **Amend Act No. 20.480 on femicide to expand the definition of femicide to include all gender-motivated killings, intensify measures to prevent femicide and ensure the investigation, prosecution and conviction of its perpetrators;**

(d) **Establish a specific mechanism to monitor the rights of girls in State-run institutions of the National Service for Minors and ensure that all cases of gender-based violence against girls are investigated and perpetrators prosecuted and adequately punished;**

(e) **Address the lack of protective measures to ensure the dignity and integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society, and adopt measures to prevent hate crimes and ensure that investigations, prosecutions and convictions are carried out and that adequate redress, including reparation and compensation, is provided to victims;**

(f) **Ensure that all forms of gender-based violence against Mapuche women committed, or resulting from actions or omissions, by State agents at all levels, including the police, are duly and systematically investigated, perpetrators effectively prosecuted and punished with adequate sentences and disciplinary measures and victims provided with reparation or compensation.**

Trafficking and exploitation of prostitution

26. The Committee welcomes the efforts to combat trafficking in the State party, including the publication of good practice guidelines for the investigation of crimes in relation to trafficking in persons, adopted in 2014, and the national action plan against trafficking in persons for the period 2015–2018. Nonetheless, it is concerned about:

(a) The limited budget allocated for the implementation of Act No. 20.507 on trafficking in persons, including migrants;

(b) The lack of a comprehensive anti-trafficking strategy and the absence of disaggregated data on victims of trafficking or information about the extent of trafficking in the State party, in particular regarding trafficking for purposes other than sexual exploitation;

(c) The low rates of prosecution and conviction in cases of trafficking, and the revictimization of women and girls, some of whom are reportedly criminalized rather than receiving victim support;

(d) The inadequacy of measures for the assistance, rehabilitation and reintegration of victims, including in terms of the number of available shelters and the limited access to counselling, medical treatment, psychological support and redress, such as compensation, in particular for migrant women.

27. **The Committee recommends that the State party:**

(a) **Allocate adequate human, financial and technical resources for the implementation of Act No. 20.507;**

(b) **Establish, as soon as possible, an independent mechanism with adequate human, technical and financial resources to systematically collect and analyse disaggregated data on trafficking in persons and study the extent of the problem in the State party;**

(c) **Improve the training of police and social workers at the municipal level on gender-sensitive procedures for dealing with victims of trafficking, investigate, prosecute and adequately punish perpetrators of trafficking in**

persons, especially women and girls, and develop national guidelines for the effective identification of victims of trafficking so as to avoid revictimization;

(d) Strengthen support for women who are victims and those at risk of trafficking, in particular migrant women and unaccompanied girls, by ensuring that they have adequate access to health care, counselling services and redress, including compensation, and by providing a sufficient number of shelters;

(e) Enhance regional cooperation with transit and destination countries in order to prevent trafficking through the exchange of information and strengthen the capacity and resources of labour inspectors, police officers and border officials so as to better identify forced labour, trafficking and related offences committed against women and girls.

Participation in political and public life

28. The Committee welcomes the significant advances in terms of increasing the participation of women in political and public life, in particular through the adoption of Act No. 20.840. It also welcomes the fact that more women are being appointed to positions in the diplomatic service and in management in public enterprises. Nonetheless, the Committee remains concerned that structural barriers to and discriminatory stereotypes regarding the engagement of women in political and public life continue to exclude women from elected and appointed decision-making positions, including in political parties, the judiciary and academia. Furthermore, the lack of temporary special measures continues to impede the participation of women, including indigenous women, in decision-making at the State and municipal levels.

29. **The Committee reiterates its recommendation to the State party that it fully utilize general recommendation No. 23 (1997) on political and public life, including by developing guidelines for applying quotas in future elections. It urges the State party to establish specific goals and timetables to accelerate the equal participation of women in public and political life at all levels and in international representation and that it endeavour to create the conditions necessary for achieving such goals. It also calls upon the State party to highlight the importance to society of the full and equal participation of women in leadership positions. The Committee requests the State party to include in its eighth periodic report an evaluation of Act No. 20.840, along with disaggregated data on trends in the participation of women in decision-making, including in the field of diplomacy.**

Human rights defenders

30. The Committee is concerned that indigenous women human rights defenders are subjected to a range of manifestations of violence, such as threats, sexual abuse, harassment and killings. The Committee is also concerned about allegations that in some cases such violence has been committed by State agents. The Committee is further concerned that anti-terrorism legislation has been applied disproportionately to criminalize certain acts by indigenous women in connection with the assertion of their rights, including their rights to ancestral lands.

31. **The Committee recommends that the State party take specific, adequate and effective measures to prevent and investigate attacks and other forms of abuse perpetrated against women human rights defenders, to prosecute and punish perpetrators and to combat impunity. It also recommends that the State party not apply anti-terrorism legislation to indigenous women for acts that are committed in connection with the assertion of their rights, including their rights to ancestral lands.**

Nationality

32. The Committee commends the State party on the measures taken to ensure that children of non-resident aliens are granted Chilean nationality through the rectification of their birth certificates, upon the request of either parent. The Committee also deems positive the fact that, since July 2017, children and adolescents have been granted temporary visas under the "Chile Te Recibe" programme, irrespective of the migratory status of their parents.

33. **The Committee recommends that the State party continue the "Chile Reconoce" programme and expedite the regularization process to grant Chilean nationality to all children through the rectification of birth certificates.**

Education

34. The Committee welcomes the significant reforms of the education system, including the adoption in 2015 of Act No. 20.845 on inclusive education and the provision of free higher education for disadvantaged groups, and the development of a joint protocol between the Ministry for Women and Gender Equity and the Office of the Superintendent of Education to promote the continued school attendance of pregnant girls and young mothers. Nonetheless, it is concerned that:

(a) Gender-stereotyped educational material and gendered behaviour in teaching and learning processes continue to have an impact on career choices by women and girls;

(b) The uneven application of the joint protocol may prevent some pregnant girls and young mothers from continuing or returning to education;

(c) Low educational attainment persists among indigenous women and girls;

(d) Unequal representation of women and girls persists in traditionally male-dominated fields of study, such as science, technology, engineering and mathematics.

35. **The Committee recalls its general recommendation No. 36 (2017) on the right of girls and women to education and recommends that the State party:**

(a) **Revise curricula to eliminate gender stereotyping, ensure that gender-sensitive teaching materials are available and institute mandatory training for teaching staff at all levels of education on gender issues and sensitivity and the impact of gendered behaviour on teaching and learning processes;**

(b) **Implement fully the joint protocol of the Ministry for Women and Gender Equity and the Office of the Superintendent of Education to ensure that support mechanisms are in place to encourage pregnant girls and young mothers to continue their education during and after pregnancy, including by providing affordable childcare facilities, informing pregnant students of their rights under the new legislation and imposing fines on educational institutions that expel pregnant girls or deny young mothers the opportunity to return to education;**

(c) **Adopt and implement targeted measures, including temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, to accelerate equal access to all levels of education by indigenous girls and women in rural areas;**

(d) **Address discriminatory stereotypes and structural barriers that may deter women from progressing beyond secondary education and enhance initiatives that guarantee their enrolment in traditionally male-dominated fields of study, such as science, technology, engineering and mathematics.**

Employment

36. The Committee commends the State party for the wide-ranging measures that it has taken to reconcile family and working life, including the adoption of Act No. 20.786 (2014) on domestic workers, the "Más Capaz" programme and the draft law (bill No. 9.322-13) amending the Labour Code and establishing the principle of equal pay for work of equal value. Nevertheless, it is concerned about:

(a) The still pending status of bill No. 9.322-13;

(b) The gender pay gap (22 per cent in 2016) in the public and private sectors, which continues to have an adverse effect on women's pension benefits, owing to the lack of a clear definition in the current legislation (Act No. 20.348 of 2009 on equal pay) of what constitutes equal pay for work of equal value;

(c) The persistence of horizontal and vertical occupational segregation and the concentration of women in the informal sector, in lower-paid service sectors and in temporary and part-time work;

(d) The lack of information on the full implementation of ILO Convention No. 189, in particular with regard to migrant women;

(e) The limited access for migrant and indigenous women and women with disabilities to the formal labour market.

37. **The Committee recommends that the State party:**

(a) **Expedite the adoption of bill No. 9.322-13;**

(b) **Strengthen efforts to eliminate the gender wage gap and ensure equal opportunities for women and men in the labour market, including through the continued use of temporary special measures, with time-bound targets, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25;**

(c) **Eliminate horizontal and vertical occupational segregation in the public and private sectors;**

(d) **Ensure that labour legislation is applied to domestic workers, including through systematic labour inspections and awareness-raising activities, and that ILO Convention No. 189 is fully implemented;**

(e) **Create employment opportunities for disadvantaged groups of women, in particular migrant women, indigenous women and women with disabilities.**

Health

38. The Committee welcomes the adoption of Act No. 21.030 of 2017, which legalizes the voluntary termination of pregnancy on three grounds: in cases of rape, where there is a threat to the life of the pregnant woman and where the fetus is fatally impaired. It also deems positive the adoption in 2018 of national guidelines on the regulation of fertility. The Committee is, however, concerned about:

(a) The continued potential risk, in spite of recent legislative developments, to women posed by illegal and unsafe abortions;

(b) Conscientious objection on the part of individuals or institutions, which may unintentionally hinder women's access to safe abortion, especially in rural and remote areas;

(c) The high rate of teenage pregnancy and the prevalence of sexual abuse among adolescent girls and girls at a very early age;

(d) The continued gaps in the implementation of Act No. 20.418 of 2010, which permits the use, sale and distribution of emergency contraception, and the difficulties that women face in gaining access to modern contraceptives and family planning services;

(e) The difficulty facing migrant women, indigenous women and women with disabilities in gaining access to non-emergency health care, including gynaecological services;

(f) Reports of forced sterilization of women and girls, in particular those with mental and other disabilities.

39. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Extend the scope of Act No. 21.030 to decriminalize abortion in all cases;**

(b) **Apply strict justification requirements to prevent the blanket use of conscientious objection by doctors refusing to perform abortions, in particular in cases of teenage pregnancy, and ensure that such measures also apply to medical personnel in private clinics;**

(c) **Ensure that women, including girls and adolescents under the age of 18 years, have access to safe abortion and post-abortion care services and that health services provide psychological support to girls and adolescents who have been subjected to sexual violence;**

(d) **Ensure that modern contraceptives are affordable and available to all women and girls, in particular in rural or remote areas;**

(e) **Take measures to ensure that health-care services, especially gynaecological services, are accessible to all women, in particular migrant women, indigenous women and women with disabilities;**

(f) **Ensure the full implementation of the national guidelines on the regulation of fertility by guaranteeing that fully informed consent is systematically sought by medical personnel before sterilizations are performed, that practitioners performing sterilizations without such consent are sanctioned and that redress and financial compensation are available for women who are victims of non-consensual sterilization.**

Economic empowerment

40. The Committee welcomes the State party's continued efforts to reduce poverty substantially. Nonetheless, it notes with concern that:

(a) Despite the economic growth and decrease in overall poverty rates experienced by the State party, the income gap continues to grow;

(b) Women are disproportionately disadvantaged by the pension system because they are often employed in the informal sector, are paid inconsistently and perform unpaid care work. Meanwhile, proposed reforms to the system remain pending;

(c) Women have only limited access to sports facilities.

41. **The Committee recommends that the State party:**

(a) **Strengthen its national poverty reduction strategy to focus on the most disadvantaged and marginalized groups of women, in particular indigenous women and rural women, ensure that the Sustainable Development Goals are implemented in a fully inclusive manner and encourage the active participation of women in decision-making processes that affect their lives;**

(b) **Further review the pension system so as to eliminate all provisions that discriminate against women, including the gaps preventing women from receiving the same pension as men;**

(c) **Promote equal access for women and girls to all sports facilities and encourage their participation in competitive sports.**

Rural women

42. The Committee welcomes the initiatives that have been developed to support rural women, in particular those working in the agricultural sphere. It is concerned, however, about the lack of data on the situation of rural women in the State party, which would contribute to a better understanding of their living conditions, and about reports suggesting that rural women, in particular seasonal workers, are more vulnerable to poverty and have in some cases limited access to adequate health care and education. The Committee further commends the State party for its initiatives to address climate change, including through its national strategic plan for disaster risk management, and the inclusion of gender-focused community participation training on disaster management and resource microzoning, through its gender management improvement programme.

43. **The Committee recommends that the State party intensify its support programmes for rural women, in particular through the State Bank programme to support women entrepreneurs and its corresponding training initiatives. It further recommends that the State party guarantee access to adequate health care and education for rural women, in particular seasonal workers, and provide a detailed analysis of the situation of rural women in its eighth periodic report. The Committee also recommends that the State party expand its national strategic plan for disaster risk management to the areas that are most vulnerable to climate change, in particular Patagonia, and ensure the active participation of women in decision-making at all levels in that regard.**

Disadvantaged groups

Migrant women

44. The Committee notes the efforts of the State party to facilitate the economic and social integration of migrant women, including through the adoption in 2015 of a presidential instruction containing a general outline and instructions for national migration policy. It notes with concern, however, that migrant women continue to face intersecting forms of discrimination in terms of access to political life, education, employment and health care.

45. **The Committee recommends that the State party adopt the draft law (bill No. 11395-06) on migration and ensure that it includes a basis for the implementation of protection-sensitive entry mechanisms for people in need of international protection and access to fair, efficient and gender-sensitive procedures for determining refugee status. It also recommends that the State party work to eliminate discrimination against migrant women, in society and in their own communities, through awareness-raising campaigns and cooperation**

with the media to draw public attention to intersecting forms of discrimination against migrant women.

Indigenous women

46. The Committee deems positive the proposal to create a ministry for indigenous people. It is concerned, however, that indigenous women face intersecting forms of discrimination based on their ethnic origin and social status, in addition to racial hatred, gender-based violence, poverty and marginalization. The Committee is particularly concerned about:

(a) The conflicts in some areas of the country that affect indigenous women through the lack of recognition and protection of land tenure and ownership by indigenous women, their forced eviction from indigenous traditional lands and their exclusion from decision-making processes concerning land use;

(b) The absence of effective consultation and mechanisms to ensure that indigenous women give their free, prior and informed consent to development projects on their traditional lands.

47. **The Committee recommends that the State party:**

(a) **Accelerate the creation of the ministry for indigenous people and increase dialogue with indigenous women to ensure their full participation in the process;**

(b) **Adopt measures to formally recognize indigenous women's land tenure and ownership, eliminate discriminatory norms and customs that limit their access to land ownership and ensure their meaningful participation in decision-making processes regarding the use of traditional indigenous lands;**

(c) **Set up a mandatory consultation mechanism to seek the free, prior and informed consent of indigenous women regarding the use of their natural resources and lands.**

Women in detention

48. The Committee is concerned about the high number of women in preventive detention, mainly on drugs-related charges, and the fact that many are the breadwinners for their families. The Committee is also concerned that women in detention have limited access to adequate health care as a result of a general shortage of professional staff and the absence of health-care staff overnight and at weekends in detention centres. The Committee is further concerned about the risks faced by pregnant women in detention, owing to the lack of access to obstetric and gynaecological care.

49. **The Committee recommends that reform of the prison system include a gender perspective and that the State party consider making greater use of non-custodial sanctions and measures for women instead of imprisonment. It also recommends that judicial procedures be accelerated to avoid the overuse of preventive detention. Moreover, the Committee recommends that measures be taken to ensure that adequate health-care facilities, including access to obstetric and gynaecological care, are available in detention centres, along with services for all women deprived of their liberty.**

Marriage and family relations

50. The Committee welcomes the adoption of Act 20.830 and the proposed amendments to the marital property regime (bills Nos. 1707-18 and 7727-18, consolidated with bills Nos. 7567-07 and 5907-13). It also deems positive the

submission of a draft act (bill No. 9850-18) to raise the minimum age of marriage to 18 years for women and men. Nonetheless, it is concerned that:

(a) Bills Nos. 1707-18, 7727-18, 7567-07 and 5907-13 have been pending before Congress since 2013; the current marital property regime is discriminatory against women in that, under the Civil Code, the husband manages joint property and property belonging to the wife, while wives must be represented or authorized by their husbands when participating in legal procedures, such as selling or letting property, or commercial procedures or arranging a loan;

(b) Current legislation fails to include clear provisions regarding filiation rights and parental rights for same-sex couples and does not allow for adoption procedures that recognize both parents;

(c) Situations of domestic violence may not be adequately addressed in cases of child custody decisions;

(d) Bill No. 9850-18, if enacted, will still permit marriage under the age of 18 years in exceptional cases.

51. **The Committee recommends that the State party:**

(a) **Expedite, within a clear time frame, the adoption of draft laws (bills Nos. 7567-07 and 5907-13) amending the Civil Code and other laws governing the matrimonial property regime and ensure that the new regime guarantees equal rights for women and men during and upon the dissolution of marriage;**

(b) **Adopt the draft law on same-sex marriage (bill No. 11422-07) and ensure that filiation and parental rights are protected;**

(c) **Ensure that gender-based violence against women in the domestic sphere is taken into account in child custody or visitation decisions and raise the judiciary's awareness of the relationship between gender-based violence against women in the domestic sphere and children's development;**

(d) **Amend bill No. 9850-18 to raise the minimum age of marriage to 18 years without exception and ensure that judicial safeguards are in place to protect girls under that age who have been allowed to marry.**

Beijing Declaration and Platform for Action

52. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

53. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

54. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, in particular to the Government, the ministries, the National Congress and the judiciary, to enable their full implementation.**

Follow-up to the concluding observations

55. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a) and (b), 17 (b) and 25 (b) above.**

Preparation of the next report

56. **The Committee invites the State party to submit its eighth periodic report in March 2022. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.**

57. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**